

**City of Newburyport
Zoning Board of Appeals
Online Meeting
July 14, 2020
Minutes**

1. Roll Call

Chair Robert Ciampitti called an online meeting of the Newburyport Zoning Board of Appeals to order at 7:00 p.m. In attendance were members Robert Ciampitti, Stephen DeLisle, Mark Moore, Rachel Webb and Ken Swanton and associate member Bud Chagnon. Also in attendance were Planning Director Andy Port, Planner Katelyn Sullivan and note taker Gretchen Joy.

2. Business Meeting

a) Minutes

Mr. Moore moved to approve the minutes of the June 23, 2020, meeting as submitted. Mr. DeLisle seconded the motion. The motion was approved by a 4-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, abstain).

b) Election of Officers

Mr. DeLisle moved to nominate Mr. Moore as vice chair. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

Mr. Moore moved to nominate Mr. DeLisle as secretary. Ms. Webb seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

3. Public Hearings

Ryan McShera, Red Barn Architecture

4 68th Street

2020-030 - Special Permit for Non-Conformities

The applicant is proposing to demolish a one-story single-family residence and replace it a two-story single-family residence. One bedroom would be added for a total of three and the amount of living space would be increased by 639 square feet. Parking would be located under the structure. The lot is non-conforming for area and frontage. The structure is non-conforming for front and side yard setbacks. The new structure would be more than ten feet from the side lot lines and its mean roof height would be 32 feet. The FAR of the existing structure is .21. The FAR of the new building would .30, which is greater than the .25 allowed. Andy Port clarified that the ZBA may grant additional relief for FAR by special permit in the Plum Island Overlay District. The footprint of the new house would be larger than that of the existing structure, but the increase would be less than 20%, as is required in the Wetland Overlay District. The Conservation Commission must issue an Order of Conditions for the project. The Planning Office has not received any comments from the public on the application. Mr. McShera said none of the neighbors expressed opposition to the project when asked.

No one from the public spoke either in favor of or in opposition to the application. Mr. Moore said the applicant stated in the narrative that a FAR of .30 would not be detrimental to the neighborhood. He asked if the applicant has data to support this. Mr. McShera said he does not

City of Newburyport
Zoning Board of Appeals
July 14, 2020

have any figures but the neighborhood is dense and he surmises that .30 is normal. Mr. Moore said the 43% increase in FAR and the doubling of the height is of concern for him. Mr. Swanton said he is also concerned with the increase in the FAR. He said the lot is a small one and he is concerned about the impact that increased development would have on the fragile resource area. Mr. DeLisle said he would like the Conservation Commission to shed light on the issue of FAR with respect to the PIOD. He would also like to receive data on other structures in the neighborhood. Mr. McShera asked if the Board members would approve of the height of the new structure. They indicated the height as proposed would be in compliance with the regulations and they are more concerned with the FAR than the height.

The applicant requested a continuance. Ms. Webb moved to continue the public hearing to the August 11 meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

John and Genevieve Bleiler

3 Plumber Avenue

2020-045 Special Permit for Non-Conformities

The applicant is proposing to demolish a one-story sunroom and construct a two-story addition on the same side of the structure. The side and rear yard nonconforming setbacks would be extended. No new non-conformity would be added. The addition would result in an increase of 156 square feet of living area on the ground floor and 213 square feet on the second floor. The addition would be set back from the original structure and the peak of its roof would be lower. Cedar clapboards would be used to match the existing conditions. The Historical Commission voted to allow the proposed demolition.

No one from the public spoke either in favor of or in opposition to the application. The Board members indicated they would support the proposal.

Mr. Moore moved to approve a Special Permit for Non-Conformities for 3 Plumber Avenue. Mr. DeLisle seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

Marshview Realty LLC c/o James Connolly, Connolly and Connolly

5 Martha Street

2020-046 – Dimensional Variance

James Connolly said the applicant is seeking a variance to change the ownership of a property on Plum Island. The applicant owns three adjoining lots on Nancy Street and Martha Street.

Attorney Connolly said parking is difficult at the Nancy Street property, which is Lot 177A. Lot 177 would be conveyed from 5 Martha Street, Lot 176, to Nancy Street. A variance is being sought for Lot 176, which would become more non-conforming than it is today as a result of the action. It would be non-conforming for frontage, rear and side yard setbacks, FAR, lot coverage and lot area. Lot 177 is an unbuildable lot and a wood shed is currently located on it.

The hearing was opened to comments from the public. Dan Tully, 154 Old Point, said he is a direct abutter to the property. He said he had not observed any difficulty with two cars being parked on Nancy Street. He asked if the combining of the lots would make it possible for a large house to be built. Attorney Connolly said the two lots together would still not meet lot area

City of Newburyport
Zoning Board of Appeals
July 14, 2020

requirements and any future action would require ZBA approval. Property owner Michelle Edwards said she has no intention of doing anything to the lot.

Mr. DeLisle said the application is technically infirmed. The variance request is for 5 Martha Street, Lot 176, but the support for the relief requested relates to Lot 177A. The applicant has not provided the Board with a basis to grant the requested relief. In order for the Board to grant a variance, the applicant must demonstrate a hardship with regards to Lot 176 and provide a basis for leaving it nonconforming. Andy Port agreed with this interpretation.

The applicant requested a continuance. Ms. Webb moved to continue the public hearing to the August 25 meeting. Mr. Moore seconded the motion. The motion was approved by a 5-0 vote (Mr. Ciampitti, yes; Mr. DeLisle, yes; Mr. Moore, yes; Mr. Swanton, yes; Ms. Webb, yes).

Ms. Webb moved to adjourn the meeting at 8:16 p.m. Mr. Moore seconded the motion. The motion was unanimously approved.

Respectfully submitted,
Gretchen Joy
Note Taker